

Appeal Decision

Site visit made on 6 December 2021 by B Phillips BSc MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2022

Appeal Ref: APP/Z0116/D/21/3286721

11 Jacobs Wells Road, City Centre, Bristol BS8 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hugh Leaman against the decision of Bristol City Council.
 - The application Ref 21/04079/H, dated 27 July 2021, was refused by notice dated 22 October 2021.
 - The development proposed is replacement windows and doors from timber to uPVC.
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Decision

1. The appeal is allowed and planning permission is granted for replacement windows and doors from timber to uPVC at 11 Jacobs Wells Road, City Centre Bristol BS8 1DX in accordance with the terms of the application, Ref 21/04079/H, dated 27 July 2021, and the plans submitted with it.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. An application for costs was made by Mr Hugh Leaman against the decision of Bristol City Council. This application is the subject of a separate Decision.

Preliminary Matters

4. I have removed the word 'retrospective' from the description of development in the banner heading above since it does not describe an act of development.
5. Replacement windows and doors have been installed and appear to accord with the drawings before me, therefore I have considered the appeal on the basis that the development has already occurred.
6. Within the context of this appeal under section 78 of the Act¹ it is not within my remit to formally determine whether the proposal requires planning permission as questioned by the appellant. However, I shall consider the evidence as to whether permission is required so far as it is material to this appeal. If the appellant wishes to ascertain whether the development is lawful, they may make an application under section 191 of the Act.

¹ Town and Country Planning Act 1990

Main Issue

7. The main issue in this case is the effect of the development on the character and appearance of the existing dwelling and the Clifton and Hotwells Conservation Area (CA).

Reasons for the Recommendation

8. The appeal site is located within the Clifton and Hotwells CA, which is described in the adopted Clifton and Hotwells Character Appraisal and Management Proposals (2010) (CAMP). The CAMP sets out that the unique character of the CA is influenced by the local topography and geology, which has produced a residential townscape of grand contrasts and memorable settings. The steep slopes and built fabric, particularly cascading terraces, contribute to the special interest and significance of the CA. The site is within the Clifton Wood Slopes Character Area of the CA, which the CAMP identifies is defined by '*close packed, rubble and stuccoed terraces*' and that, '*Apart from the miscellaneous development along Jacob's Wells Road and Hotwell Road, this is a remarkably homogenous area for architectural style*'.
9. No 11 Jacobs Wells Road is a late Victorian bay fronted dwelling with a front dormer window, part of a terrace of 8 similar properties. It is identified within the CAMP as a Character Building contributing positively to the character of the area. Its traditional architecture and form make a positive contribution to this part of the CA. Immediately to the south of the terrace is the Jacobs Wells Road Bathhouse, a Grade II Listed building. Immediately to the north is Brandon House, a substantial multi-storey block of modern flats. As a result, the area immediately surrounding the appeal site is mixed in terms of development, form and character.
10. Including No 11, half of the properties in the terrace have uPVC windows at the front, of various designs. The Council sets out that these do not have the benefit of planning permission. Nevertheless, there is no evidence before me that such permission was required, or that enforcement action has been, or could be, taken against their installation. Consequently, uPVC windows are now an established part of the character and appearance of this terrace. As a result, original windows do not make as significant a contribution to the character of these buildings or the local area as in other parts of the CA. Nevertheless, other than these changes the architectural detailing, materials and overall appearance of the terrace is largely consistent, therefore as a group these dwellings contribute positively to the appearance of the CA.
11. The Council's Supplementary Planning Document 'A Guide for Designing House Alterations and Extensions' (2005) (SPD), sets out that for older properties, timber replacement windows will usually be preferred for visual and sustainability reasons. However, while it raises a number of concerns with the appearance and production of uPVC windows, it does not preclude their use entirely.
12. In this case, the replacement uPVC windows have clearly been designed to largely mimic the dimensions and features of the original timber windows, in particular the thickness of the frames, position of glazing bars and arrangement of opening sections. Although the details shown on the submitted plans are limited, I saw on site that they were sash windows where the upper

part slides over the lower. This replicates the traditional form of windows in this terrace.

13. Limited details of the glazing bars and horns have been provided on the plans, but as installed those features have been applied to the exterior of the windows, rather than incorporated into the construction of the windows as would traditionally be the case with timber windows. Applied glazing bars means that the glazing continues beneath, giving a different appearance to through glazing bars which separate different panes of glass. There was also a noticeable join between the horns and the upper sash. These details mean that the replacement windows do not offer the same quality of detailing as traditional timber sash windows. However, given the replication of most other aspects of the design and given that the windows of the terrace have already seen such significant changes, I find that these details have not resulted in material harm to the appearance of the dwelling.
14. Consequently, the replacement windows do not significantly affect the features of the host property which make a positive contribution to the CA. Nor do they adversely affect the traditional architecture and consistent form of the terrace or its resulting contribution to the CA. The proposal would therefore preserve the overall character of the building and terrace in this mixed street scene. Accordingly, it would not harm the character and appearance of the CA as a whole.
15. While uPVC windows are potentially less sustainable in their construction than timber, given the minor scale of development the sustainability impact would be limited and does not warrant refusal on this ground alone.
16. The existing character and appearance of the terrace, its context and the design of uPVC windows used would not necessarily be replicated elsewhere, particularly given the mixed street scene which is acknowledged to be different from other parts of the Character Area and the wider CA. Therefore, this scheme does not in my view set a harmful precedent for development elsewhere in the CA.
17. The rear doors have been replaced with uPVC versions of slightly different design to the previous doors, but are not visible from the public realm and their design is not unsympathetic to the appearance of the existing dwelling. Therefore, this change has not harmed the character or appearance of the CA.
18. I conclude that the replacement windows and doors preserve the character and appearance of the existing dwelling and the CA. There is therefore no conflict with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (2011) or Policies DM26, DM30 and DM31 of the Site Allocations and Development Management Policies (2014) which collectively seek to ensure that development is not harmful to an area's character and identity and that development proposals safeguard or enhance heritage assets in the city. Nor is there conflict with the guidance in the SPD.

Other Matters

19. The Council have not raised any issue with the impact of the development on the setting of the nearby Grade II listed Jacobs Wells Road Bathhouse. The significance of that building lies with its special architectural and historic interest. Given the limited visual impact of the windows and rear doors and

distance to the Bathhouse from the appeal property, the development does not affect the appreciation of the building and accordingly I find that its setting and features of special architectural or historic interest are preserved.

Conditions

20. Given that the development has been completed, no conditions are necessary.

Conclusion and Recommendation

21. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

L McKay

INSPECTOR